

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

OFFICE OF  
MANAGING DIRECTOR

APR 29 1993

DOCKET FILE COPY ORIGINAL

Robert Lewis Thompson, Esq.  
Pepper & Corazzini  
1776 K Street, N.W.  
Suite 200  
Washington, D.C. 20006

92-3031

Dear Mr. Thompson:

This will respond to your request for refund of a hearing fee filed on behalf of Cloud Nine Broadcasting, Inc. ("Cloud Nine") in connection with its construction permit application for a new FM station at Kalispell, Montana.

You state, and our records reflect, that prior to the Notice of Appearance deadline, Cloud Nine entered into a settlement agreement with its competing applicants. The settlement agreement subsequently was approved, the competing applications were dismissed, and Cloud Nine's application was granted.

Section 1.1111 (c) (4) of the Commission's rules provides for a refund of a hearing fee whenever a settlement agreement is timely filed and the remaining application is immediately grantable. Under the circumstances, refund of the hearing fee is appropriate.

Accordingly, your request is granted. A check, made payable to the maker of the original check and drawn in the amount of \$6,760.00, will be sent to you at the earliest practicable time. If you have any questions concerning this refund, please contact the Chief. Fee

9203038170337002

RECEIVED *① Dkt. 1/20/93*

'APR = 7 1993 *② BCB*

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

*Holly*

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In re Application of  
CLOUD NINE BROADCASTING, INC.  
et al.  
For New FM Station  
Kalispell, MT

) MM Docket No. 92-303  
)  
)  
)  
)  
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)

*For review  
by [unclear]*

To: The Managing Director

**REQUEST FOR REFUND  
OF COMPARATIVE HEARING FEE**

Pursuant to 47 CFR § 1.1111(b)(4), Cloud Nine Broadcasting, Inc. ("Cloud Nine") requests a refund of its \$6,760 hearing fee. Cloud Nine is entitled to a prompt refund because (a) an ALJ has granted the Parties' Joint Request for Approval of Settlement Agreement which was filed with the ALJ by the "Notice of Appearance" deadline and (b) the ALJ's grant has become a final, non-appealable order.

1. As one of four parties who applied for a new FM station at Kalispell, Montana in 1991, Cloud Nine tendered a \$6,760 check, in payment of the FCC's hearing fee, on March 2, 1992. See Appendix A.

2. On February 12, 1993, Presiding Judge John L. Frysiak granted the parties' Joint Request for Approval of Settlement Agreement and granted Cloud Nine's application without a hearing. See FCC 93M-71, released February 12, 1993. That decision became final and non-appealable last week.

3. In view of the foregoing, a refund of Cloud Nine's \$6,760 hearing fee should be promptly REFUNDED.

Respectfully submitted,



---

Robert Lewis Thompson  
**PEPPER & CORAZZINI**  
1776 K Street, N.W.  
Suite 200  
Washington, D.C. 20006  
(202) 296-0600

Counsel for Cloud Nine Broadcasting,  
Inc.

April 7, 1993

VINCENT A. PEPPER  
ROBERT F. CORAZZINI  
PETER GUTMANN  
WILLIAM J. FRANKLIN  
JOHN F. GARZIGLIA  
TODD J. PARRIOTT  
NEAL J. FRIEDMAN  
ELLEN S. MANGELL  
HOWARD J. BARR  
LOUISE CYBULSKI  
NOT ADMITTED IN D.C.

FCC, 112N  
MAR 02 1992

PEPPER & CORAZZINI

ATTORNEYS AT LAW  
200 MONTGOMERY BUILDING  
1776 K STREET, NORTHWEST  
WASHINGTON, D. C. 20006  
(202) 296-0600

APPENDIX A  
FILE COPY

ROBERT LEWIS THOMPSON  
E. THEODORE MALLYCK  
OF COUNSEL  
FREDERICK W. FORD  
1808-1888  
TELECOPIER: (202) 296-5572

March 2, 1992

**By Courier**

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
c/o Mellon Bank  
P.O. Box 358170  
Pittsburgh, Pennsylvania 15251-5170

Re: Cloud Nine Broadcasting, Inc.  
BPN-910926MI  
Kalispell, Montana

Dear Ms. Searcy:

Enclosed for filing on behalf of the referenced applicant is the \$6,760 hearing fee and FCC Form 155 required by Public Notice Report No. NA-155, released December 27, 1991.

Sincerely,

/s/  
Robert Lewis Thompson

Enclosures (2)

cc: Mr. James E. Schaeffer

RLT/ad  
4041/xhrgfee.rlt

Approved by QMB  
3060-0440  
Expires 2/28/93

FEDERAL COMMUNICATIONS COMMISSION  
FEE PROCESSING FORM

FOR  
FCC  
USE  
ONLY

Please read instructions on back of this form before completing it. Section I MUST be completed. If you are applying for concurrent actions which require you to list more than one Fee Type Code, you must also complete Section II. This form must accompany all payments. Only one Fee Processing Form may be submitted per application or filing. Please type or print legibly. All required blocks must be completed or application/filing will be returned without action.

**SECTION I**

APPLICANT NAME (Last, first, middle initial)

CLOUD NINE BROADCASTING, INC.

MAILING ADDRESS (Line 1) (Maximum 35 characters - refer to instruction (2) on reverse of form)

Pepper & Corazzini

MAILING ADDRESS (Line 2) (if required) (Maximum 35 characters)

1776 K Street, NW, Suite 200

CITY

Washington

STATE OR COUNTRY (if foreign address)

DC

ZIP CODE

20006

CALL SIGN OR OTHER FCC IDENTIFIER (if applicable)

New FM (910926MI)

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in FCC Fee Filing Guides. Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number entered in Column (B), if any.

(A)	(B)	(C)								
FEE TYPE CODE	FEE MULTIPLE (if required)	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY							
(1) <table><tr><td>M</td><td>W</td><td>R</td></tr></table>	M	W	R	<table><tr><td></td><td></td><td></td><td></td></tr></table>					\$ 6,760.00	
M	W	R								

**SECTION II** - To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

(A)	(B)	(C)								
FEE TYPE CODE	FEE MULTIPLE (if required)	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY							
(2) <table><tr><td></td><td></td><td></td></tr></table>				<table><tr><td></td><td></td><td></td><td></td></tr></table>					\$	
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(5) <table><tr><td></td><td></td><td></td></tr></table>				<table><tr><td></td><td></td><td></td><td></td></tr></table>					\$	
ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (5), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.										
			<table><tr><td>TOTAL AMOUNT REMITTED WITH THIS APPLICATION OR FILING</td></tr><tr><td>\$ 6,760.00</td></tr></table>	TOTAL AMOUNT REMITTED WITH THIS APPLICATION OR FILING	\$ 6,760.00	FOR FCC USE ONLY				
TOTAL AMOUNT REMITTED WITH THIS APPLICATION OR FILING										
\$ 6,760.00										

Benny L. BEE JR.  
318 6th. St. West  
Whitefish Mt. 59937

Cloud Nine Bank

93-105/929

2/29 '92

PAY TO THE  
ORDER OF

FCC

\$ 6760.

Six Thousand Seven Hundred & Sixty

DOLLARS

ACCOUNT NO. 345164

**MOUNTAIN BANK**  
1140 E. SPokane, P.O. BOX 100  
409 2ND ST  
WHITEFISH MONTANA 59937



*[Signature]*

FOR Filing Fee to FCC  
0929010521: Cloud 9

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